

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UPPER DARBY SCHOOL DISTRICT</b> <i>Plaintiff,</i>	:	<b>CIVIL ACTION</b>
	:	
v.	:	<b>No. 22-04343</b>
	:	
<b>K.W. et al.</b>	:	
<i>Defendants.</i>	:	

<b>KA'SHAAD W.</b> <i>Plaintiffs,</i>	:	<b>CIVIL ACTION</b>
	:	
v.	:	<b>No. 22-04347</b>
	:	
<b>UPPER DARBY SCHOOL DISTRICT</b>	:	
<i>Defendant.</i>	:	

**ORDER**

**AND NOW**, this **27th** day of **July 2023**, upon consideration of K.W., et al.'s Motion for Judgment on the Administrative Record (ECF No. 20 in Civil Action 22-04343), Upper Darby School District's Opposition to the Motion (ECF No. 25 in Civil Action 22-04343), and K.W., et al.'s Reply (ECF No. 26 in Civil Action 22-04343), it is hereby **ORDERED** that K.W., et al.'s Motion for Judgment on the Administrative Record is **GRANTED** as follows:

1. The Hearing Officer's Decision to the extent that it denied compensatory education prior to April 18, 2022 is reversed.
2. The Family shall be awarded compensatory education for the (a) 2020-21 school year, (b) 2021-22 school year until April 18, 2022, and (c) ESY 2022 through September 28, 2022.
3. The Hearing Officer's determination that the District may deduct tutoring hours from the Family's compensatory education is reversed.

4. The Hearing Officer's finding that the District denied FAPE from April 18, 2022 through September 28, 2022 is affirmed.
5. Parents are a prevailing party entitled to prevailing party attorneys' fees.
6. The District's actions and omissions violated the IDEA and Section 504 as incorporated by Pennsylvania law and the relevant federal and state implementing regulations.
7. Upon consideration of Upper Darby School District's Motion for Summary Judgment on the Administrative Record (ECF No. 21 in Civil Action 22-04343) and K.W., et al.'s Opposition to the Motion (ECF No. 24 in Civil Action 22-04343), the Court will **DENY** Upper Darby School District's Motion for Judgment on the Administrative Record in a forthcoming Final Order.
8. This is not a Final Order.

A separate and Final Order will be entered to include the compensatory sum and/or the sum of attorneys' fees to be awarded. Prior to entry of the Final Order, a status hearing will be scheduled so that counsel can advise the Court how they can best complete the record for review regarding the compensatory sum and attorney's fees to be awarded according to the Opinion filed by the Court on this case, and the sums to then be included in a Final Order to be entered by the Court.

**BY THE COURT:**

**/s/ Chad F. Kenney**

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**CHAD F. KENNEY, JUDGE**